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**UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF NEVADA**

In Re:)	BK-S – 09-51338-GWZ
)	Chapter 13
ERIK MICHAEL FREDERICKSON and)	
SONYA FREDERICKSON)	Date: 12-4-2009
Debtor(s).)	Time: 2:00 P.M.

MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN

COMES NOW ERIK MICHAEL FREDERICKSON and SONYA FREDERICKSON
 (hereinafter “Debtors”), by and through counsel, Harold C. Comanse, Esq. and moves this Honorable
 Court for a post-confirmation modification of their Chapter 13 Plan, pursuant to 11 U.S.C. §1329, for
 reasons more fully set forth below.

POINTS AND AUTHORITIES

STATEMENT OF FACTS

On May 1, 2009, Debtors filed a joint voluntary petition seeking bankruptcy relief under Chapter
 13 of the Bankruptcy Code. The filing of Debtors’ bankruptcy was to allow the debtors to reorganize
 their unsecured debt. On July 30, 2009, the Debtors’ Chapter 13 Plan was confirmed.

Since the filing of this case, Mr. Frederickson has suffered an injury that has resulted in his
 inability to work. Mr. Frederickson is receiving disability benefits in the amount of \$5,116.24, the
 maximum under State regulations. As a result, Debtors’ household income has decreased significantly.
 Debtors have filed an amended Schedule I and J.

STATEMENT OF LAW

Section 1329 provides, in pertinent part:

- (a) At any time after confirmation of the plan but before the completion of payments under such plan, the plan may be modified, upon request of the debtor, the trustee, or the holder of an allowed unsecured claim, to –
- (1) Increase or reduce the amount of payments on claims of a particular class provided for by the plan;
 - (2) Extend or reduce the time for such payments;
 - (3) Alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim other than under the plan;

11 U.S.C. § 1329 (in pertinent part).

Since Debtor's petition was filed after October 17, 2005, the Bankruptcy Code amendments of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (2005) ("BAPCPA"), apply. Under BAPCPA, as long as the requirements of 11 U.S.C. § 1329(b) are satisfied, Debtors can modify their plan as set forth under 11 U.S.C. § 1329(a). *In re Ewers*, 366 B.R. 139, 140 (Bankr. Nev., 2007). Debtors propose to reduce the amount of payments to unsecured creditors, and to reduce the time for payments under their plan.

MODIFIED PLAN

Debtors have made 7 payments of \$400.00, for a total paid in of \$2,800.00. Beginning December, 2009 the debtors shall begin making a plan payment of \$260.00 per month for 30 months, for a total of \$7,800.00.

The total payments by Debtors shall be approximately \$10,600.00. The debtors shall not turnover tax refunds received during the life of the Plan.

Debtors' modified Plan reduces the distribution to unsecured creditors.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, the Debtors' respectfully request this Court for an Order:

- (1) confirming Debtors' modified plan; and
- (2) approval of \$750.00 attorney fees for necessary services performed to modify Debtors' plan.

RESPECTFULLY SUBMITTED this 5th day of November, 2009.

/s/ HAROLD C. COMANSE, ESQ.
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